

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

HARRY M. NIMMONS,)
)
Petitioner,)
)
v.) No. 3:05-cv-353
)
) *Phillips*
HOWARD CARLTON, Warden)
)
Respondent.)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**.

E N T E R:

s/ Thomas W. Phillips
United States District Judge